

## Message Text

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FM AMCONSUL RIO DE JANEIRO

TO SECSTATE WASHDC PRIORITY 4190

INFO USERDA WASHDC PRIORITY

USERDA GERMANTOWN PRIORITY

USMISSION IAEA VIENNA PRIORITY

USMISSION USUN NEW YORK PRIORITY

USMISSION GENEVA PRIORITY

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DEPT PASS IO/SCT

FROM USDEL IAEA

EO 11652: NA

TAGS: AORG, OCON, IAEA, XF

SUBJ: IAEA 20TH GENERAL CONFERENCE: US STATEMENT IN PLENARY

DEBATE ON QUESTION OF PLO OBSERVER STATUS

REF: RIO DE JANEIRO 3598

THERE FOLLOWS TEXT OF STATEMENT OF US REP (TAPE), DELIVERED AT  
PLENARY MEETING OF GC SEPTEMBER 23, IN OPPOSITION TO GRANTING  
OF OBSERVER STATUS TO PLO:

BEGIN TEXT. THE QUESTION BEFORE US IN WHETHER OR NOT THE

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PALESTINE LIBERATION ORGANIZATION SHOULD BE INVITED TO ATTEND THIS

SESSION AND FUTURE SESSIONS OF THE IAEA'S GENERAL CONFERENCE IN THE CAPACITY OF OBSERVER. THE POSITION OF THE UNITED STATES GOVERNMENT IS THAT AN INVITATION TO THE PLO SHOULD NOT BE EXTENDED.

1. THERE IS NO PROVISION IN THE STATUE OF THE AGENCY OR IN THE RULES OF PROCEDURE OF THE GENERAL CONFERENCE FOR AN ORGANIZATION SUCH AS THE PLO TO ATTEND THE GENERAL CONFERENCE AS AN OBSERVER. RULE 30 OF THE RULES OF PROCEDURE PROVIDES FOR REPRESENTATION BY STATES NOT MEMBERS OF THE AGENCY, BUT THE PLO IS NOT, AND DOES NOT CLAIM TO BE, A STATE.
2. RULE 32(B) PROVIDES FOR ATTENDANCE AT THE GENERAL CONFERENCE BY REPRESENTATIVES OF "NON-GOVERNMENTAL ORGANIZATIONS ENJOYING CONSULTATIVE STATUS WITH THE AGENCY "IN ACCORDANCE WITH SUCH RULES AS THE GENERAL CONFERENCE HAS APPROVED. THE PLO IS NOT A NON-GOVERNMENTAL ORGANIZATION AS THAT TERM IS UNDERSTOOD IN INTERNATIONAL LAW, THAT IS, AN ORGANIZATION WHICH MAY BE CONSULTED BY AN INTERNATIONAL BODY BY VIRTUE OF THE POSSESSION BY THE ORGANIZATION OF SOME PARTICULAR EXPERTISE OR TECHNICAL KNOWLEDGE RELATED TO MATTERS WITHIN THE SPECIAL COMPETENCE OF THE INTERNATIONAL BODY. NONE OF THE RULES OF CHAPTER V APPLY TO SUCH AN ORGANIZATION.
3. SOME WOULD CLAIM THAT THE GENERAL CONFERENCE CAN, UNDER RULE 2 OF THE RULES OF PROCEDURE OF THE GENERAL CONFERENCE, DECIDE TO HAVE THE PLO NOTIFIED BY THE DIRECTOR GENERAL, NINETY DAYS IN ADVANCE OF THE OPENING DATE, PLACE AND EXPECTED DURATION OF EACH REGULAR SESSION OF THE GENERAL CONFERENCE AND THEREBY WOULD CAUSE THE PLO TO BE INVITED TO ATTEND IN SOME CAPACITY.

WHILE RULE 2 DOES PROVIDE FOR NOTIFICATION BY THE DIRECTOR GENERAL TO SUCH OTHER ORGANIZATIONS AS THE GENERAL CONFERENCE MAY, FROM TIME TO TIME, DECIDE, AND WHILE THIS COULD BE READ TO INCLUDE THE PLO, IT WOULD BE A PAINFULLY STRAINED AND THOROUGHLY INAPPROPRIATE INTERPRETATION TO FIND THE GENERAL CONFERENCE'S POWER TO GRANT OBSERVER STATUS IN A PROVISION WHICH MERELY INSTRUCTS THE DIRECTOR GENERAL TO PERFORM A SIMPLE ADMINISTRATIVE FUNCTION. NOTIFICATION DOES NOT NECESSARILY MEAN INVITATION, ESPECIALLY WHEN ELSEWHERE, THE RULES AND PROCEDURES EXPLICITLY PROVIDE FOR NON-MEMBER REPRESENTATION, AND THAT OF CERTAIN CATEGORIES OF ORGANIZATIONS.

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RULE 2 THUS CANNOT BE CONSIDERED TO PROVIDE ADDITIONAL AUTHORITY TO INVITE. ANY DECISION BY THE BOARD OF GOVERNORS OR THE GENERAL CONFERENCE IN THE CONTEXT OF RULE 2 WOULD PROPERLY BE MADE ONLY IN ACCORDANCE WITH THE OTHER RELEVANT RULES OF PROCEDURE.

4. THERE ARE NO PRECEDENTS TO SERVE AS A BASIS FOR ISSUING AN INVITATION IN THIS CASE. IT IS CLEAR FROM THIS RECORD THAT, IN EVERY INSTANCE IN WHICH THE GENERAL CONFERENCE CONSIDERED THE

QUESTION OF INVITATIONS TO ORGANIZATIONS TO BE REPRESENTED AT THE CONFERENCE BY OBSERVERS, OTHER THAN THOSE SPECIFICALLY ADDRESSED IN CHAPTER V OF THE RULES OF PROCEDURE, THE CONFERENCE AUTHORIZED OR REQUESTED THE BOARD OF GOVERNORS TO DECIDE WHICH ORGANIZATIONS SHOULD BE INVITED, BASED UPON CRITERIA SPECIFIED BY THE CONFERENCE. IN THE TWO MOST RECENT CASES, IN 1972 AND 1975, THE CONFERENCE INCLUDED SPECIFIC DISCRETION TO THE BOARD TO DECIDE WHETHER REPRESENTATION BY AN ORGANIZATION--EVEN ONE MEETING THE CRITERIA SPECIFIED BY THE CONFERENCE--WOULD BE IN THE INTEREST OF THE AGENCY. FOR THE CONFERENCE TO INVITE THE PLO TO PARTICIPATE AS AN OBSERVER IN SESSIONS OF THE GENERAL CONFERENCE WOULD BE AN ACTION COMPLETELY CONTRARY TO ALL ESTABLISHED PRECEDENTS AND PROCEDURES OF THE CONFERENCE.

5. SINCE NONE OF THE EXISTING PROCEDURES OF THE AGENCY WOULD

PERMIT THE GENERAL CONFERENCE TO DECIDE TO INVITE AS PROPOSED IN GC(XX)/572 AND SINCE ALL THE PRECEDENTS CONCERNING INVITATIONS TO ORGANIZATIONS WHOSE WORK IS RELATED TO THAT OF THE AGENCY AND WHOSE ATTENDANCE IS IN THE INTEREST OF THE AGENCY, CALL FOR CONSIDERATION BY THE BOARD OF GOVERNORS, THE GENERAL CONFERENCE SHOULD NOT ADOPT THE RESOLUTION. THE GENERAL CONFERENCE SHOULD AT LEAST HAVE THE BENEFIT OF CONSIDERATION AND A RECOMMENDATION

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BY THE BOARD OF GOVERNORS. TO DO OTHERWISE, WOULD ESTABLISH A NEW PRECEDENT WHICH MAY OPEN THE WAY TO REPRESENTATION IN THE SESSIONS OF THE GENERAL CONFERENCE BY A HOST OF ORGANIZATIONS WHICH COULD CONTRIBUTE IN NO WAY TO THE WORK OF THE AGENCY BUT WHICH MAY, IN FACT, IMPEDE THE EFFECTIVE FUNCTIONING OF THE AGENCY. THE PROCEDURES AND PRECEDENTS FOLLOWED IN THE PAST WERE OBVIOUSLY DESIGNED TO AVOID SUCH AN UNDESIRABLE SITUATION AND IT WOULD BE WELL FOR THE AGENCY TO CONTINUE TO ACT IN THE SAME WISE MANNER.

6. EXAMPLES OF INVITATIONS TO THE PLO TO ATTEND OR TO PARTICIPATE IN VARIOUS CONFERENCES SPONSORED BY OTHER ORGANIZATIONS HAVE BEEN CITED. SUCH EXAMPLES DO NOT CONSTITUTE AN AUTHORITATIVE PRECEDENT FOR CONSIDERATION BY THE GENERAL CONFERENCE OF THE QUESTION OF AN INVITATION TO THE PLO TO ATTEND ITS SESSIONS AS AN OBSERVER. THE AGENCY MUST ACT IN ACCORDANCE WITH ITS OWN PRINCIPLES AND RULES OF PROCEDURE.

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A PREVIOUS SPEAKER HAS QUOTED FROM THE STATUTE OF THE AGENCY. LET ME READ TO YOU THE (BEGIN UNDERLINE COMPLETE (END UNDERLINE) TEXT (EMPHASIS ADDED) OF ARTICLE III.B.1.

BEGIN QUOTE."B. IN CARRYING OUT ITS FUNCTIONS, THE AGENCY SHALL:

"1. CONDUCT ITS ACTIVITIES IN ACCORDANCE WITH THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS TO PROMOTE PEACE AND INTERNATIONAL CO-OPERATION, AND IN CONFORMITY WITH POLICIES OF THE UNITED NATIONS FURTHERING THE ESTABLISHMENT OF SAFEGUARDED WORLDWIDE DISARMAMENT AND IN CONFORMITY WITH ANY INTERNATIONAL AGREEMENTS ENTERED INTO PURSUANT TO SUCH POLICIES;" END QUOTE

MR. PRESIDENT, THE PLO HAS NEVER CLAIMED TO BE OTHER THAN A POLITICAL ORGANIZATION WITH FREQUENTLY STATED POLITICAL OBJECTIVES. WHATEVER PRIVILEGES MAY BE ACCORDED TO IT IN OTHER INTERNATIONAL ORGANIZATIONS, IT IS CLEAR THAT THIS AGENCY WHOSE MANDATE IS SPECIFIC AND TECHNICAL, CANNOT BENEFIT FROM ASSOCIATION WITH THE PLO.

THESE CONSIDERATIONS LEAD INESCAPABLY TO THE CONCLUSION THAT THE PROPOSAL FOR OBSERVER STATUS FOR THIS ORGANIZATION, FAR FROM HAVING ANYTHING TO DO WITH THE INTERESTS OF THE AGENCY AND MEMBER STATES, HAS THE SOLE PURPOSE OF ENHANCING THIS ORGANIZATION'S

INTERNATIONAL POLITICAL PRESTIGE. IN THIS CONNECTION, WE HAVE NOTED THAT THE RESOLUTIONS DOCUMENT GC(XX)/572 AND THE EXPLANATION MEMORANDUM CONTAINED IN DOCUMENT GC(XX)/568 LACK ANY CREDIBLE ATTEMPT TO ADDRESS THE REAL MERITS OF OBSERVER STATUS FOR THE PLO.

MR. PRESIDENT, I WOULD LIKE TO REPEAT THAT DECISIONS TAKEN WITH RESPECT TO OBSERVER STATUS IN OTHER INTERNATIONAL ORGANIZATIONS ARE NOT APPLICABLE TO THIS AGENCY. OVER THE YEARS, MEMBER STATES HAVE GENERALLY AGREED ON THE VITAL IMPORTANCE OF MAINTAINING THE AGENCY'S REPUTATION FOR OBJECTIVITY AND A RESPONSIBLE APPROACH TO ITS MANDATED DUTIES, AND A RECOGNITION OF THE FACT THAT SHOULD THE AGENCY LEND ITSELF TO POLITICAL OPPORTUNISM SUCH AS IS NOW PROPOSED, THAT REPUTATION COULD BE JEOPARDIZED, AND WITH IT THE AGENCY'S CREDIBILITY IN ITS ROLE IN THE IMPLEMENTATION OF AN EFFECTIVE NON-PROLIFERATION REGIME.

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IN CONCLUSION, MY GOVERNMENT OPPOSES IN ITS ENTIRETY THE RESOLUTION PROPOSED IN GC(XX)/572. FINALLY, MR. CHAIRMAN, I WISH TO REQUEST THAT A VOTE BE TAKEN ON THE PROPOSAL NOW BEFORE US.

END QUOTE.

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## Message Attributes

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